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CHARLES ELMORE CROPLEY

IN THE

Supreme Court of the United States

OCTOBER TERM, 1945

No. 704

IRENE MORGAN,
Appellant,
vs.
COMMONWEALTH OF VIRGINIA.

APPENDICES

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Title 1, Section 2—Meaning of certain words and terms. —The following words, wherever they appear in this Code, shall have the signification attached to them in this section unless otherwise apparent from the context:

The word "person" includes a corporation as well as a natural person.

The word "writing" includes typewriting and printing on paper.

The word "oath" includes affirmation.

The words "signature" or "subscription" include mark when the person cannot write, if his name is written near the mark, and witnessed by a person who writes his own name as a witness.

The words "lunatic" or "insane" or the term "non compos mentis" include all persons of unsound mind.

The word "property" includes both real and personal property.

The term "real property" includes lands, tenements, and hereditaments.

The term "personal property" includes money, goods, chattels, things in action and evidence of debt, deeds, and conveyances.

The word "circuit" means judicial circuit.

The word "negro" includes mulatto.

The word "mulatto" or the term "person of color" means a person of mixed blood descended on the part of the father or mother from negro ancestors, without reference to or limit of time or number of generations removed.

The word "justice", when applied to a magistrate, means justice of the peace.

The term "justice of the peace", if not otherwise expressed, includes a notary public having and exercising the jurisdiction of a justice of the peace, within the precinct or ward for which he is appointed.

The word "preceding" means next before.

The word "following" means next after.

The word "state", when applied to the different parts of the United States, includes the District of Columbia, and the several territories of the United States.

The term "United States" includes the territories thereof, and the District of Columbia.

The words "jury" or "juries" include courts or judges in all cases when a jury trial is waived, or when the court or judge is authorized to ascertain and determine the facts as well as the law.

The word "month" means a calendar month.

The word "year" means a calendar year; but, whenever the word "year" is used in reference to any appropriations for the payment of money out of the treasury, it shall mean fiscal year.

(1927, p. 716.)

Title 14, Section 360—Marriage, adultery, and fornication between white persons and negroes.—If any white person and any negro, or the descendant of any negro intermarry, or live in adultery or fornication with each other, each of them shall, on conviction, be imprisoned in the penitentiary for not less than two nor more than seven years. (1927, p. 219.)

Title 48, Section 196—Separate coaches for whites and blacks.—All railroads carrying passengers in this state, other than street railroads, shall provide equal but separate accommodations for the white and colored races, by providing two or more passenger cars for each passenger train, or by dividing the passenger cars by partitions, so as to secure separate accommodations.

Section 197. Conductor must assign each passenger a seat in the car designated for his color.—The conductor of each passenger train is authorized and required to assign each passenger to the car or the division of the car, when it is divided by a partition, designated for the race to which such passenger belongs; and if any passenger refuses to occupy the car, or the division of the car, to which he is assigned by the conductor, such conductor may refuse to carry such passenger on the train, and for such refusal neither the conductor nor the railroad company shall be

liable in damages. But this section shall not apply to cases of white or colored passengers entering this state upon railroads under contracts for their transportation made in another state where like laws to this do not prevail.

Title 48, Section 268—Separate accommodations for white and colored passengers.—All passenger stations operated or kept by any motor transportation company shall have separate waiting rooms or space and separate ticket windows for the white and colored races but such accommodations for the races shall be equal. All motor transportation companies or operators of vehicles carrying passengers for hire in this state, whether intrastate or interstate passengers, shall at all times provide equal but separate accommodations for the white and colored races, by providing separate vehicle or separate compartments on each vehicle or by dividing the vehicle by a partition constructed of metal, wood, strong cloth or other material as to obstruct the vision between the sections, and shall also distinguish the separate sections for the separate accommodation of the races. The conductor or agent of the motor transportation company in charge of any vehicle is authorized and required to assign each passenger to the division of the vehicle designated for the race to which such passenger belongs; and if the passenger refuses to occupy the division of the vehicle, to which he is so assigned by the conductor or agent of such motor transportation company, such conductor or agent of such motor transportation company may refuse to carry such passenger on said vehicle, and for such refusal neither the conductor or agent of the motor transportation company, nor the motor transportation company shall be liable in damages, but this section shall not apply to cases of white or colored passengers entering this state upon vehicles under contracts for their transportation made in another state where like laws to this do not prevail. Any motor transportation company or person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined not more than five hundred dollars for each offense and each day's violation of the same shall constitute a separate offense.

Alabama, Code, 1923

Section 5001. Marriage, adultery, and fornication between white persons and negroes.—If any white person and any negro, or the descendant of any negro, to the third generation, inclusive, though one ancestor of each generation was a white person, intermarry, or live in adultery or fornication with each other, each of them must, on conviction, be imprisoned in the penitentiary for not less than two nor more than seven years.

Alabama, Acts, 1927

P. 219.

No. 214.) (H. 583. Jones of Bullock.

AN ACT

To amend Section 5001 of the Code of 1923

Be it Enacted by the Legislature of Alabama: That Section 5001 of the Code of 1923 be amended so as to read as follows: Section 5001 (7421) (5096) (4018) (4189) (3602) (61) marriage, adultery, and Fornication Between White Persons and Negroes.—If any white person and any negro, or the descendant of any negro intermarry, or live in adultery or fornication with each other, each of them must, on conviction, be imprisoned in the penitentiary for not less than two nor more than seven years.

Approved August 2, 1927.

Arkansas, Statutes, 1937 (Pope)

Section 1190. Equality of accommodations. All railway companies carrying passengers in this State shall provide equal but separate and sufficient accommodations for the white and African races by providing two or more passenger coaches for each passenger train; provided, each railway company carrying passengers in this State may carry one partitioned car, one end of which may be used by white passengers and the other end by passengers of the

African race, said partition to be made of wood, and they shall also provide separate waiting rooms of equal and sufficient accommodations for the two races at all their passenger depots in this State. Act April 1, 1893, Section 1, p. 200.

Section 1191. Exception as to street cars. The foregoing section shall not apply to street railroads. In the event of the disabling of a passenger coach, or coaches, by accident or otherwise, said company shall be relieved from the operation of this act until its train reaches a point at which it has additional coaches. Id., Section 1.

Section 1192. Passengers to occupy places assigned. No person or person shall be permitted to occupy seats in coaches or waiting rooms other than the ones assigned to them on account of the race to which they belong; provided, officers in charge of prisoners of different races may be assigned with their prisoners to coaches where they will least interfere with the comfort of other passengers; provided, further, that Section 1190 shall not apply to employees of a train in the discharge of their duties, nor shall it be construed to apply to such freight trains as carry passengers. Id., Section 1.

Section 1193. Separate sleeping and chair cars. Carriers may haul sleeping or chair cars for the exclusive use of either the white or African race separately, but not jointly. Id., Section 1.

Section 1194. Short lines. On all lines of railway less than thirty miles long, passenger coaches may be divided by partition. Id., Section 1.

Section 1195. Duty of officers. The officers of such passenger trains and the agents at such depots shall have power, and are required to assign each passenger or person to the coach or compartment or room used for the race to which such passenger or person belong. Acts 1891, p. 15, Section 2.

Section 1196. Penalty. Any passenger or person insisting on going into a coach or compartment or room to which by race he does not belong shall be liable to a fine of not less than ten dollars nor more than two hundred dollars, and any officer of any railroad company assigning a passenger or person to a coach or compartment or room other than the one set aside for the race to which said passenger or person belongs shall be liable to a fine of twenty-five dollars. Id., Section 2.

Section 1197. Duty of passenger. Should any passenger refuse to occupy the coach or compartment or room to which he or she is assigned by the officer of such railway company, said officer shall have the power to refuse to carry such passenger on his train, and should any passenger, or any other person not passenger, for the purpose of occupying or waiting in such sitting or waiting-room not assigned to his or her race, enter said room, said agent shall have the power, and it is made his duty, to eject such person from such room, and for such acts neither they nor the railway company which they represent, shall be liable for damages in any of the courts of this State. Id., Section 2.

Section 1198. Railroad's noncompliance—penalty. All railway companies that shall refuse or neglect to comply with the provisions and requirements of this act shall be deemed guilty of a misdemeanor, and shall, upon conviction before any court of competent jurisdiction, be fined not less than one hundred dollars nor more than five hundred dollars, and every day that such railway company shall fail to comply with the provisions of this act, and every train run in violation of the provisions hereof, shall be a separate offense; and any conductor or other employees of such passenger train having charge of the same or any agent at such depot who shall refuse or neglect to carry out the provisions of this act shall, on conviction, be fined not less than twenty-five dollars nor more than fifty dollars for each offense. Id., Section 3.

Section 1199. Posting law. All railroad corporations carrying passengers in this State, other than street rail-

roads, shall keep this law posted up in a conspicuous place in each passenger coach and waiting-room. Id., Section 3.

Section 1200. Races defined. Persons in whom there is a visible and distinct admixture of African blood shall, for the purposes of this act, be deemed to belong to the African race; all others shall be deemed to belong to the white race. Id., Section 4.

Section 1201. Freight trains. The railroad companies shall not be required to furnish separate coaches in freight trains for the white and African races. Act February 21, 1898, Section 1.

Section 1202. Duty to operate. All persons, companies or corporations operating any street car line in any city of the first class, in the State of Arkansas, are hereby required to operate separate cars or to separate the white and colored passengers in the cars operated for both, and to set apart or designate in each car or coach so operated for both a portion thereof or certain seats therein to be occupied by white passengers, and a portion thereof or certain seats therein to be occupied by colored passengers. Act March 27, 1903, p. 178, Section 1.

Section 1203. Equality of accommodations. No persons, companies or corporations so operating street cars shall make any difference or discrimination in the quality or convenience of the accommodations provided for the two races under the provisions of this act. Id., Section 2.

Section 1204. Control of conductor. The conductor or other person in charge of any car or coach so operated upon any street car line shall have the right at any time, when in his judgment it may be necessary or proper for the comfort or convenience of passengers so to do, to change the said designation so as to increase or decrease the amount of space or seats set apart for either race, or he may require any passenger to change his seat when or so often as the change in the passengers may make such changes necessary. Id., Section 3.

Section 1205. Passengers to take designated seats. All passengers on any street car line shall be required to take the seat assigned to them, and any person refusing to do so shall leave the car, or, remaining upon the car, shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not to exceed twenty-five dollars. Id., Section 4.

Section 1206. Penalty. Any person, company or corporation failing to operate separate cars, or to set apart or designate portions of the cars operated for the separate accommodation of the white and colored passengers as provided by this act, shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not to exceed twenty-five dollars. Id., Section 5.

Section 1207. Extra or special cars. Nothing in this act shall be construed to prevent the running of extra or special cars for the exclusive accommodation of either white or colored passengers, if the regular cars are operated as required by this act. Id., Section 6.

Section 3290. "Person of negro race" defined. The words "person of negro race," as used in this act, shall be held to apply and include any person who has in his or her veins any negro blood whatever. Id. Section 3.

XII. Segregation of White and Colored on Busses.

Section 6921. Busses required to designate separate seats for whites and colored. All persons, firms, companies or corporations operating any motor propelled vehicle for the transportation of passengers over the highways of the State of Arkansas, are hereby required to designate separate seating space in each bus for the accommodation of white and colored passengers.

Section 6922. Designation—How made. Such designation shall be by means of a sign with letters of at least four inches and of sufficient size as to be visible and discernible at all times, in front of which all white passengers

shall be seated and behind which all colored passengers shall be seated. Id. Section 2.

Section 6923. Rights of Bus Operator. The operator or other person in charge of any such vehicle shall have the right at any time, when it may be necessary or proper in his judgment, for the comfort, convenience or accommodation of the passengers, to change said designation so as to increase or decrease the amount of space or seats set apart for either race by moving the sign hereinbefore required, or he may require any passenger to change his seat when or so often as the change in passengers may require. Id. Section 3.

Section 6924. No discrimination in service. No persons, firms, companies or corporations so operating motor propelled passenger carrying vehicles shall make any difference or discrimination in the quality or convenience of the accommodations provided for the two races hereunder. Id. Section 4.

Section 6925. Passenger to take seat assigned. All passengers on any motor propelled passenger carrying vehicle shall be required to take the seat assigned to them, and any person refusing to do so shall leave the vehicle, or remaining upon the vehicle, shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding Twenty-five Dollars for the first offense; and upon conviction for a second offense shall be fined Five Hundred Dollars or sentenced to one year in jail, or both fined and imprisoned. Upon refusal of any passenger to leave the vehicle as aforesaid the operator or person in charge shall proceed to the nearest town, city, hamlet or village, and thereupon it shall be the duty of the first available peace officer to remove said passenger and subject him to arrest. Id. Section 5.

Section 6926. Violation—penalty. Any person, firm, company or corporation failing to designate portions of busses for separate accommodations of white and colored passengers as provided by this act, shall be guilty of a

misdemeanor, and upon conviction shall be fined in any sum not to exceed Twenty-five Dollars. Id. Section 6.

Section 6927. Not applicable to certain busses. Nothing in this act shall be construed to prevent the run of extra or special busses or motor propelled passenger carrying vehicles for the exclusive accommodation of either white or colored passengers, if the regular cars are operated as required by this act. Id. Section 7.

Acts of Arkansas, 1943

ACT 180.

AN ACT to Amend Act No. 124 of 1937, Approved February 24, 1937, and for Other Purposes.

Be It Enacted by the General Assembly of the State of Arkansas:

Section 1. BUSSES REQUIRED TO SEPARATE SEATS FOR WHITE AND COLORED. All persons, firms, companies or corporations operating any motor propelled vehicle for the transportation of passengers over the streets and highways of the State of Arkansas, are hereby required to designate separate seating spaces in each such vehicle for the accommodation of white and colored passengers, and shall cause the white and colored passengers to remain segregated in the seats and spaces so designated.

Section 2. DESIGNATION—HOW MADE. Such designation shall be by means of a sign with letters of at least four inches and of sufficient size as to be visible and discernible at all times, which shall be posted in a prominent place at both the front and back of such vehicle and which shall direct that all white passengers shall seat from the front of the vehicle toward the back, and all colored passengers shall seat from the rear of the vehicle forward.

Section 3. DUTIES OF THE OPERATOR OR OTHER PERSON IN CHARGE OF SUCH VEHICLE. The operator or other person in charge of such vehicle shall have the right and

duty, at any time, when it may be necessary or proper in his judgment, for the comfort, convenience or accommodation of the passengers, to change such designation so as to increase or decrease the amount of space or seats set apart for either race, he may request any passenger to change his seat when or so often as the change in passengers may require.

Section 4. No Discrimination Service. No person, firms, companies or corporations so operating motor propelled passenger-carrying vehicles shall maintain any difference in the quality or convenience of the accommodations provided for the two races hereunder.

Section 5. Passenger to Take Seat Assigned. All passengers on any motor propelled passenger-carrying vehicle shall be required to take a seat or space assigned to them, and any person refusing to do so shall immediately leave the vehicle, or if he remains upon the vehicle, he shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than $25.00 or more than $500.00, or sentenced to the county jail for not less than one month or more than six months, or by both fine and imprisonment. Upon refusal of any passenger to leave the vehicle as aforesaid, the operator or person in charge shall proceed to the nearest town, city, hamlet or village, and thereupon it shall be the duty of the operator or other person in charge of such vehicle to make complaint to the first available peace officer, whose duty it shall be to remove said passenger and subject him to arrest. The failure on the part of the operator or other person in charge of such vehicle to cause the white and colored passengers to take and remain in the seats and spaces provided for them, or the failure of such operator or other person in charge of such vehicle to immediately cause the arrest of any passenger refusing to comply with the request to take or remain in the seat and space so designated, shall be deemed a misdemeanor, and upon conviction, such operator or other person shall be fined in any sum not less than $25.00 or more than $500.00.

Section 6. (Any person, firm, company or corporation failing to designate portions of motor vehicles) for separate accommodations of white and colored passengers as provided by this Act, or who shall fail or refuse to require the operator or other person in charge of such motor vehicle, as their employee, to cause the white and colored passengers to take and remain in the seats and spaces designated for them, or who fails to require the operator or other person in charge of such vehicle, in their employ, to cause an immediate arrest of any passenger refusing to take and remain in the seat or space assigned to him, shall be guilty of a misdemeanor, and shall be fined in any sum not less than $25.00 or more than $500.00; any persons, firms, companies or corporations failing or refusing to comply with the provisions of this Act shall be liable for any damages to persons or property arising out of any disturbance caused by the failure to enforce the segregation of white and colored passengers.

Section 7. NOT APPLICABLE TO CERTAIN MOTOR VEHICLES. Nothing in this Act shall be construed to prevent the run of extra or special motor propelled passenger-carrying vehicles for the exclusive accommodations of either white or colored passengers, if the regular cars are operated as required by this Act.

Provided, further that this Act shall not apply to Motor Coaches operated in lieu of Street Cars on City streets under city franchises and regulations.

APPROVED: March 6, 1943.

Florida, Constitution, Article XVI

Section 24. Intermarriage of white persons and negroes prohibited.—All marriage between a white person and a negro, or between a white person and a person of negro descent to the fourth generation, inclusive, are hereby forever prohibited.

Florida, Statutes, 1941

1.01 Definitions.—In construing these statutes and each and every word, phrase, or part hereof, where the context will permit:

(1) The singular includes the plural and vice versa.

(2) The masculine includes the feminine and neuter and vice versa.

(3) The word "person" includes individuals, children, firms, associations, joint adventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations and all other groups or combinations.

(4) The word "writing" includes handwriting, printing, typewriting and all other methods and means of forming letters and characters upon paper, stone, wood, or other materials.

(5) The words "lunatic", "insane persons" and other like terms include idiots, lunatics, insane persons, non compos mentis and persons of deranged or unsound mind.

(6) The words "negro", "colored", "colored persons", "mulatto" or "persons of color", when applied to persons, include every person having one-eighth or more of African or negro blood.

(7) The word "oath" includes affirmations.

(8) Reference to any office or officer includes any person authorized by law to perform the duties of such office.

(9) Reference to the population or number of inhabitants of any county, city, town, village or other political sub-division of the state, shall be taken to be that as shown by the last preceding official state or federal census.

(10) The words "public body", "body politic" or "political sub-division" include counties, towns, villages, special tax school districts, special road and bridge districts and all other districts in this state.

(11) Crude turpentine gum (oleoresin), the product of a living tree or trees of the pine species, and gum-spirits-of-turpentine and gum resin as processed therefrom, shall be taken and understood to be agricultural products, farm products and agricultural commodities.

352.07 Separate accommodations for white and negro passengers on electric cars.—All persons operating urban and suburban (or either) electric cars as common carriers of passengers in this state, shall furnish equal but separate accommodations for white and negro passengers on all cars so operated.

352.08 Method of division in electric cars.—The separate accommodations for white and negro passengers directed in Section 352.07 shall be by separate cars, fixed divisions, movable screens, or other method of division in the cars.

352.09 Divisions to be marked "For White" or "For Colored."—The car or division provided for white passengers shall be marked in plain letters in a conspicuous place. "For White," and the car or division provided for negro passengers shall be marked in plain letters in a conspicuous place, "For Colored."

352.10 Not to apply to nurses.—Nothing in Sections 352.07, 352.08, 352.09, 352.12, 352.13, 352.14 or 352.15 shall be so construed as to apply to nurses of one race attending children or invalids of the other race.

352.11 Operating extra cars for exclusive use of either race.—Sections 352.07-352.15 shall not be so construed as to prevent the running of special or extra cars, in addition to the regular schedule cars; for the exclusive accommodation of either white or negro passengers.

352.12 Separation of races; penalty.—Any person operating urban and suburban (or either) electric cars as common carriers of passengers in this state, failing, refusing or neglecting to make provisions for the separation of the white and negro passengers on such cars as re-

quired by law, shall, for each offense, be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars nor more than five hundred dollars. This penalty may be enforced against the president, receiver, general manager, superintendent or other person operating such cars.

352.13 Duty of conductors; penalty.—The conductor or other person in charge of any such car shall see that each passenger is in the car or division furnished for the race to which such passenger belongs, and any conductor or other person in charge of such car who shall permit any passenger of one race to occupy a car or division provided for passengers of the other race, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not exceeding twenty-five dollars, or by imprisonment in the county jail for not exceeding sixty days.

352.14 Violation by passengers; conductor may arrest and eject; penalty.—Any passenger belonging to one race who willfully occupies or attempts to occupy any such car, or division thereof, provided for passengers of the other race, or who occupying such car or division thereof, refuses to leave the same when requested so to do by the conductor or other person in charge of such car, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not exceeding fifty dollars, or by imprisonment in the county jail for not exceeding three months. The conductor or other person in charge of such car is vested with full power and authority to arrest such passenger and to eject him or her from the car.

352.15 Each day of refusal separate offense.—Each day of refusal, failure or neglect to provide for the separation of the white and negro passengers as directed in this chapter shall constitute a separate and distinct offense.

Georgia, Code, 1933

Section 18-206. Separate cars or compartments for white and colored passengers; seats; lights; ventilation.—Railroad companies doing business in this State shall furnish equal accommodations, in separate cars or compartments of cars, for white and colored passengers, and when a car is divided into compartments, the space set apart for white and colored passengers respectively may be proportioned according to the proportion of usual and ordinary travel by each on the railroad or line on which the cars are used. Such companies shall furnish to the passengers comfortable seats and shall have the cars well and sufficiently lighted and ventilated. Officers or employees having charge of railroad cars shall not allow white and colored passengers to occupy the same car or compartment.

Section 18-207. Duty to assign passengers to their cars; police powers of conductors.—All conductors or other employees in charge of passenger cars shall assign all passengers to their respective cars, or compartments of cars, provided by the said companies under the provisions of Section 18-206 and all conductors of street cars and busses shall assign all passengers to seats on the cars under their charge, so as to separate the white and colored races as much as practicable; and all conductors and other employees of railroads and all conductors of street cars and busses shall have, and are hereby invested with, police powers to carry out said provisions.

Section 18-208. Remaining in seat, compartment or car other than that to which assigned.—No passenger shall remain in any car, compartment, or seat, other than that to which he has been assigned. The conductor and any and all employees on such cars are clothed with power to eject from the train or car any passenger who refuses to remain in the car, compartment or seat assigned to him.

Section 18-209. Nurses and servants excluded from operation of law.—The provisions of the preceding three sections shall not apply to colored nurses or servants in attendance on their employees.

Section 18-210. White and colored passengers on sleeping cars to be separated.—Sleeping car companies and railroad companies operating sleeping cars in this State shall have the right to assign all passengers to seats and berths under their charge, and shall separate the white and colored races in making said assignment, and the conductor and other employees on the train to which sleeping cars may be attached shall not permit white and colored passengers to occupy the same compartment: Provided, that nothing in this section shall be construed to compel sleeping car companies or railroads operating sleeping cars to carry persons of color in sleeping or parlor cars: Provided, that this section shall not apply to colored nurses or servants traveling with their employers. A conductor or other employee of a sleeping car, as well as a conductor or other employee of the train to which a sleeping car may be attached, shall have full police power to enforce this section. (Acts 1899, p. 66.)

Section 18-9906. Employee failing to assist in ejecting passenger from sleeping car.—A conductor or other employee of a sleeping car, or of a train carrying sleeping cars, who shall fail or refuse to assist in ejecting a passenger violating the provisions of section 18-210 shall be guilty of a misdemeanor.

Section 18-9907. Failure to keep water or lights in passenger cars.—A violation of section 18-211, requiring railroad companies to keep an adequate supply of good, pure drinking water in each passenger car at all hours, and lights during the night for the use of passengers, shall be a misdemeanor.

Section 18-9908. Conductor or agent of railroad failing to furnish water or lights.—Any conductor or agent of a railroad, who, after being requested by a passenger to furnish a sufficient supply of water to the passengers in each car, or light at night, shall pass any depot or station without so doing, may be indicted in any county through which the railroad of which he is agent or conductor runs, and shall be punished as for a misdemeanor.

Section 18-9909. Failure of railroad to install cinder deflectors on passenger coaches.—Any railroad company refusing or neglecting to comply with Section 18-212, with regard to instal'ing cinder deflectors on passenger coaches, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in the sum of not less than $500 or more than $1,000 for each coach not equipped as required by said section.

Section 18-9910. Failure to supply railway station accommodations for passengers.—A failure by a railroad company to comply with Section 18-213, in relation to a lighted and comfortable room for passengers, shall be a misdemeanor.

Section 68-616. Carriage of white or colored passengers, or both.—Motor common carriers may confine themselves to carrying either white or colored passengers; or they may provide different motor vehicles for carrying white and colored passengers; and they may carry white and colored passengers in the same vehicle, but only under such conditions of separation of the races as the Commission may prescribe.

1928 Supplement to Georgia Code

Section 2177. (Section 1820.) Who are persons of Color.—All negroes, mulattoes, mestizos, and their descendants, having any ascertainable trace of either negro or African, West Indian, or Asiatic Indian blood in their veins, and all descendants of any person having either negro or African, West Indian, or Asiatic Indian blood in his or her veins, shall be known in this State as persons of color. Acts 1865-6, p. 239; 1927, p. 272.

Georgia, Laws of 1927

PERSONS OF COLOR; MARRIAGE; REGISTRY.

No. 317.

An Act to define who are persons of color and who are white persons, to prohibit and prevent the intermarriage of such persons, and to provide a system of registration and marriage licensing as a means for accomplishing the principal purpose, and to provide punishment for violations of the provisions of this Act, and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, that Section 2177 of the Civil Code of Georgia of 1910, (Acts 1865-6, page 239), being an Act to define persons of color, be and the same is hereby amended as follows: By striking therefrom the words "one-eighth" and inserting in lieu thereof the following words: "any ascertainable trace of either," and by adding and inserting after the word "African" and before the word "blood" the following words: "West Indian, or Asiatic Indian," and by adding and inserting after the word "veins" and before the word "shall" the following words: "and all descendants of any person having either Negro or African, West Indian, or Asiatic Indian blood in his or her veins," so that said Section 2177 as amended shall read as follows: "All negroes, mulattoes, mestizos, and their descendants, having any ascertainable trace of either Negro or African, West Indian, or Asiatic Indian blood in their veins, and all descendants of any person having either Negro or African, West Indian, or Asiatic Indian blood in his or her veins, shall be known in this State as persons of color."

Section 2. Be it further enacted, that upon the passage of this Act the State Registrar of Vital Statistics, under the supervision of the State Board of Health, shall prepare a form for the registration of individuals, whereon shall be given the racial composition of such individual, as Caucasian, Negro, Mongolian, West Indian, Asiatic Indian,

Malay, or any mixture thereof, or any other non-Caucasic strains, and if there be any mixture, then the racial composition of the parents and other ancestors in so far as ascertainable, so as to show in what generation such mixture occurred. Said form shall also give the date and place of birth of the registrant, name, race, and color of the parents of registrant, together with their place of birth if known, name of husband or wife of registrant, with his or her place of birth, names of children of registrant with their ages and place of residence, place of residence of registrant for the five years immediately preceding registration, and such other information as may be prescribed for identification by the State Registrar of Vital Statistics.

Section 3. Be it further enacted, that the State Registrar of Vital Statistics shall supply to each local registrar a sufficient number of such forms to carry out the provisions of this Act.

Section 4. Be it further enacted, that each local registrar shall personally or by deputy, upon receipt of said forms, cause each person in his district or jurisdiction to execute said form in duplicate, furnishing all available information required upon said form, the original of which form shall be forwarded by the local registrar to the State Registrar of Vital Statistics, and a duplicate delivered to the ordinary of the county. Said form shall be signed by the registrant, or, in case of children under fourteen years of age, by a parent, guardian, or other person standing in loco parentis. The execution of such registration certificate shall be certified to by the local registrar.

Section 5. If the local registrar have reason to believe that any statement made by any registrant is not true, he shall so write upon such certificate before forwarding the same to the State registrar or ordinary, giving his reason therefor.

Section 6. It shall be unlawful for any person to refuse to execute said registration certificate as provided in this Act, or to refuse to give the information required in the execution of the same; and any person who shall refuse to

execute such certificate, or who shall refuse to give the information required in the execution of the same, shall be guilty of a misdemeanor, and shall be punished as prescribed in Section 1065 of the Penal Code of Georgia of 1910. Each such refusal shall constitute a separate offense.

Section 7. The local registrar shall collect from each registrant a registration fee of thirty cents, fifteen cents of which shall go to the local registrar and fifteen cents of which shall go to the State Board of Health, to be used in defraying expenses of the State Bureau of Vital Statistics. If any registrant shall make affidavit that through poverty he is unable to pay said registration fee of thirty cents, the local registrar shall receive a registration fee of only ten cents for such registration, which sum shall be paid out of the funds of the State Bureau of Vital Statistics, and the State Bureau of Vital Statistics shall receive no fee for such registration. This section shall not apply to the registration or births or deaths, the registration of which is otherwise provided for.

Section 8. Be it further enacted, that it shall be a felony for any person to wilfully or knowingly make or cause to be made a registration certificate false as to color or race, and upon conviction thereof such person shall be punished by imprisonment in the penitentiary for not less than one year and not more than two years. In such case the State registrar is authorized to change the registration certificate so that it will conform to the truth.

Section 9. Be it further enacted, that upon the passage of this Act, the State Registrar of Vital Statistics shall prepare a form for application for marriage license, which form shall require the following information to be given over the signature of the prospective bride and groom; name and address; race and color; place of birth; age; name and address of each parent; race and color of each parent; and whether the applicant is registered with the Bureau of Vital Statistics of this or any other State, and, if registered, the county in which such registration was made. The State Registrar of Vital Statistics shall at all times

keep the ordinaries of each county in this State supplied with a sufficient number of said form of application for marriage license to care for all applications for marriage license. Each prospective bride and each prospective groom applying for marriage license shall fill out and execute said application in duplicate.

Section 10. Be it further enacted, that upon such applications for marriage license being filed with the ordinary by the prospective bride and prospective groom, the ordinary shall forward the original of such application to the State Registrar of Vital Statistics, and retain the duplicate of such application in his files.

Section 11. Be it further enacted, that the ordinary shall withhold the issuing of any marriage license until a report upon such application has been received from the State Registrar of Vital Statistics. Said report from the State Registrar of Vital Statistics shall be forwarded to the ordinary by the next return mail, and shall state whether or not each applicant is registered in the Bureau of Vital Statistics; if registered, the report shall state whether the statements made by each applicant as to race and color are correct according to such registration certificate. If the registration certificate in the office of the Bureau of Vital Statistics show that the statement of either applicant as to race or color are untrue, the report of the State Registrar of Vital Statistics shall so state, and in such case it shall be illegal for the ordinary to issue a marriage license to the applicants, until the truth of such statements of the applicants shall have been determined in a legal proceeding brought against the ordinary to compel the issuing of such license. If the report from the State Registrar of Vital Statistics shows that the applicants are not registered, and if the State Bureau of Vital Statistics has no information as to the race or color of said applicants, then the ordinary shall issue the marriage license if he has no evidence or knowledge that such marriage would be illegal. If one of the applicants is registered with the State Bureau of Vital Statistics and the other applicant is not so registered, if the records of the Bureau of Vital Statis-

ties contain no information to disprove the statements of either applicant as to color or race, then the ordinary shall issue the marriage license, if he has no evidence or knowledge that such marriage would be illegal. Provided, that where each party is registered and such registration certificate is on file in the office of the ordinary of the county where application for marriage license is made, it shall not be necessary for the ordinary to obtain any information from the State Bureau of Vital Statistics; and provided further, that when any person who has previously registered as required herein moves to another county, he may file with the ordinary of the county of his new residence a certified copy of his registration certificate, which shall have the same effect as if such registration had been made originally in said county.

Section 12. Be it further enacted, that where any application for marriage license shows that such applicant was not born in this State and is not registered with the Bureau of Vital Statistics of this State, the ordinary shall forward a copy of such application to the State Registrar of Vital Statistics of this State, and shall also forward a copy of the application to the clerk of the superior or circuit court, as the case may be, of the county of the applicant's birth, and another copy to the Bureau of Vital Statistics, at the capitol of the State, of the applicant's birth, with the request that the statements therein contained be verified. If no answer be received from such clerk or Bureau of Vital Statistics within ten days, the ordinary shall issue the license if he have no evidence or knowledge that such marriage would be illegal. If an answer be received within ten days, showing the statement of such applicant to be untrue, the ordinary shall withhold the issuing of the license until the truth of such statements of the applicant shall have been determined in a legal proceeding brought against the ordinary to compel the issuing of such license. In all cases where answers are received from such clerk or Bureau of Vital Statistics, a copy of the answer shall be forwarded to the State Registrar of Vital Statistics of this State.

Section 13. Be it further enacted, that when a marriage license is issued by the ordinary, it shall be returned to the ordinary by the officer or minister solemnizing the marriage, and forwarded by the ordinary to the State Registrar of Vital Statistics, to be permanently retained by said registrar.

Section 14. Be it further enacted, that the term "white person" shall include only person of the white or Caucasian race, who have no ascertainable trace of either Negro, African, West Indian, Asiatic Indian, Mongolian, Japanese, or Chinese blood in their veins. No person shall be deemed to be a white person any one of whose ancestors has been duly registered with the State Bureau of Vital Statistics as a colored person or person of color.

Section 15. Be it further enacted, that from and after the passage of this Act it shall be unlawful for a white person to marry any save a white person. Any person, white or otherwise, who shall marry or go through with a marriage ceremony in violation of this provision shall be guilty of a felony, and shall be punished by imprisonment in the penitentiary for not less than one nor more than two years, and such marriage shall be utterly void.

Section 16. Be it further enacted, that any person who shall make or cause to be made, a false statement as to race or color of himself or parents, in any application for marriage license, shall be guilty of a felony, and shall be punished by imprisonment in the penitentiary for not less than two nor more than five years.

Section 17. Be it further enacted, that any ordinary who shall issue a marriage license without complying with each and every provision of this Act shall be guilty of and punished as for a misdemeanor.

Section 18. Be it further enacted, that if any civil officer, minister, or official of any church, sect, or religion, authorized to perform a marriage ceremony, shall wilfully or knowingly perform any marriage ceremony in violation of the terms of this Act, he shall be guilty of and punished as for a misdemeanor.

Section 19. Be it further enacted, that if any case of a marriage in violation of the provisions of this Act is reported to the State Registrar of Vital Statistics, he shall investigate such report, and shall turn over to the Attorney-General of the State the information obtained through such investigation.

Section 20. Be it further enacted that when any birth certificate is forwarded to the Bureau of Vital Statistics, showing the birth of a legitimate child to parents one of whom is white and one of whom is colored, it shall be the duty of the State Registrar of Vital Statistics to report the same to the Attorney-General of the State, with full information concerning the same. Thereupon it shall be the duty of the Attorney-General to institute criminal proceedings against the parents of such child, for any violation of the provisions of this Act which may have been committed.

Section 21. Be it further enacted, that it shall be the duty of the Attorney-General of the State, as well as the duty of the Solicitor-General of the Superior Court where such violation occurs, to prosecute each violation of any of the provisions of this Act when the same is reported to him by the State Registrar of Vital Statistics. If the Attorney-General fails or refuses to prosecute any such violation so reported to him by the State Registrar of Vital Statistics, the same shall be grounds for impeachment of the Attorney-General, and it shall be the duty of the State Registrar of Vital Statistics to institute impeachment proceedings against the Attorney-General in such case.

Section 22. Be it further enacted, that this Act shall be effective immediately upon its passage and approval by the Governor of the State.

Section 23. Be it further enacted, that all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Approved August 20, 1927.

Indiana (Burns), Statutes, 1933

Section 44-104. Void marriages.—The following marriages are declared void:

First. When either party had a wife or husband living at the time of such marriage.

Second. When one of the parties is a white person and the other possessed of one-eighth or more of negro blood.

Third. When either party is insane or idiotic at the time of such marriage.

Kentucky, Revised Statutes, 1942

Section 276.440 [795; 796; 799; 801] Separate coaches or compartments for white and colored passengers.

(1) Every company operating railroad cars or coaches on any railroad line within this state, and every railroad company doing business in this state upon lines of railroad leased or wholly or partly owned by it, shall furnish separate coaches or compartments for the transportation of the white and colored passengers on its lines of railroad. Where separate compartments are used, the compartments shall be separated by a good and substantial partition, with a door therein. Each separate coach or compartment shall bear, in some conspicuous place, appropriate words in plain letters indicating the race for which it is set apart. The company shall make no difference or discrimination in the quality, convenience or accommodations in the coaches or compartments set apart for white and colored passengers.

(2) The conductor or manager of each train carrying passengers shall assign each white or colored passenger to his respective coach or compartment. If any passenger refuses to occupy the coach or compartment to which he is assigned, the conductor or manager may refuse to carry such passenger on his train, and may put such passenger off the train. Neither the conductor, manager nor railroad company shall be liable for damages for refusing to carry such passenger or putting him off the train.

(3) This section does not apply to the transportation of employes of railroads, or of nurses in charge of other persons, or of officers in charge of prisoners, nor does it apply to the transportation of passengers in any caboose car attached to a freight train.

Kentucky, Statutes (Carroll), 1930

Section 801. Persons to whom act not applicable.—The provisions of this act shall not apply to employees of railroads or persons employed as nurses, or officers in charge or prisoners nor shall the same apply to the transportation of passengers in any caboose car attached to a freight train.

Louisiana, General Statutes (Darl), 1939

Section 5307. Separate accommodations for white and colored races.—All bus companies, corporations, partnerships, persons or associations of persons carrying passengers for hire in their busses, carriages or vehicles in this state shall provide equal but separate accommodations for the white and colored races by designating separate seats or compartments so as to secure separate accommodations for the white and colored races; no person or persons shall be permitted to occupy seats or compartments other than the ones assigned to them on account of the race they belong to.

Section 5308. Violation by passenger or operator—Penalty.—The person in charge of such busses, carriages or vehicles shall have power and is hereby required to assign each passenger to a seat or compartment used for the race to which such passenger belongs; any passenger insisting upon going into a seat or compartment to which by race he or she does not belong, shall be liable to a fine of twenty-five dollars ($25.00), or in lieu thereof, be imprisoned for the period of not more than thirty days in the parish prison, and any person in charge or officer of any bus, carriage or vehicle

insisting on assigning a person to a seat or compartment other than the one set aside for the race to which said passenger belongs, shall be liable to a fine of twenty-five dollars ($25.00), or in lieu thereof to imprisonment for a period of not more than thirty days in the parish prison; and should any passenger refuse to occupy the seat or compartment to which he or she is assigned by the person in charge or officer of such bus, carriage or vehicle, said person in charge or officer shall have the power to refuse to carry such passenger on his car or cars, and for such refusal neither he nor the bus company, corporation, partnership, person or association of persons which he represents shall be held for damages in any of the courts in this state.

Section 5309. Violation by companies and officers—Penalty.—All officers and directors of bus companies, corporations, partnerships, persons or associations carrying persons for hire over the public highways of the state, who shall refuse or neglect to comply with the provisions and requirements of this act, shall be deemed guilty of a misdemeanor and shall, upon conviction before any court of competent jurisdiction, be fined not less than fifty dollars ($50.00), nor more than three hundred dollars ($300.00), or be imprisoned in the parish jail for not less than ten days nor more than sixty days, or both fined and imprisoned at the discretion of the court.

Section 8130. Accommodations for white and colored races on trains—Provision—Use.—All railway companies carrying passengers in their coaches in this state, shall provide equal but separate accommodations for the white, and colored races, by providing two or more passenger coaches for each passenger train, or by dividing the passenger coaches by a partition so as to secure separate accommodations; provided, that this section shall not be construed to apply to street railroads. No person or persons, shall be permitted to occupy seats in coaches, other than, the ones, assigned, to them on account of the race they belong to.

Section 8131. Assignment of compartments—Enforcement—Penalties.—The officers of such passenger trains

shall have power and are hereby required to assign each passenger to the coach or compartment used for the race to which such passenger belongs; any passenger insisting on going into a coach or compartment to which by race he does not belong, shall be liable to a fine of twenty-five dollars ($25.00), or in lieu thereof to imprisonment for a period of not more than twenty (20) days in the parish prison, and any officer of any railroad insisting on assigning a passenger to a coach or compartment other than the one set aside for the race to which said passenger belongs shall be liable to a fine of twenty-five dollars ($25.00), or in lieu thereof to imprisonment for a period of not more than twenty (20) days in the parish prison; and should any passenger refuse to occupy the coach or compartment to which he or she is assigned by the officer of such railway; said officer shall have power to refuse to carry such passenger on his train, and for such refusal neither he nor the railway company which he represents shall be liable for damages in any of the courts of this state.

Section 8132. Disobedience of law by railroad employees—Penalties—Posting of Law—Limits on application of law.—All officers and directors of railway companies that shall refuse or neglect to comply with the provisions and requirements of this act shall be deemed guilty of a misdemeanor and shall upon conviction before any court of competent jurisdiction be fined not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00); and any conductor or other employees of such passenger train, having charge of the same, who shall refuse or neglect to carry out the provisions of this act shall on conviction be fined not less than twenty-five dollars ($25.00) nor more than fifty dollars ($50.00) for each offense. All railroad corporations carrying passengers in this state other than street railroads shall keep this law posted up in a conspicuous place in each passenger coach and ticket office; provided that nothing in this act shall be construed as applying to nurses attending children of the other race; or prisoners in charge of sheriffs or their deputies, or other officers.

Section 8188. Accommodations for white and colored races on street cars—Provision—Use.—All street railway companies carrying passengers in their cars in this state shall provide equal but separate accommodations for the white and colored races by providing two or more cars or by dividing their cars by wooden or wire screen partitions so as to secure separate accommodations for the white and colored races, no person or persons shall be permitted to occupy seats in cars or compartments other than the ones assigned to them on account of the race they belong to.

Section 8189. Assignment of compartments—Enforcement—Penalties.—The officers of such street cars shall have power and are hereby required to assign each passenger to the car or compartment used for the race to which such passenger belongs; any passenger insisting upon going into a car or compartment to which by race he or she does not belong shall be liable to a fine of twenty-five dollars ($25.00), or in lieu thereof be imprisoned for a period of not more than thirty (30) days in the parish prison, and any officer of any street railway insisting on assigning a passenger to a car or compartment other than the one set aside for the race to which said passenger belongs, shall be liable to a fine of twenty-five dollars ($25.00) or in lieu thereof, to imprisonment for a period or not more than thirty (30) days in the parish prison; and should any passenger refuse to occupy the car or compartment to which he or she is assigned by the officer of such street railway, said officer shall have the power to refuse to carry such passenger on his car or cars, and for such refusal neither he nor the street railway company which he represents shall be liable for damages in any of the courts of this state.

Criminal Code (Dart), 1932

Section 1128. Concubinage, white and colored persons—Penalty.—Concubinage between a person of the Caucasian or white race and a person of the colored or black race is hereby made a felony, and whoever shall be convicted thereof in any court of competent jurisdiction, shall

for each offense be sentenced to imprisonment at the discretion of the court for a term of not less than one month nor more than one year with or without hard labor.

Section 1129. Proof of violation of act—Concubinage defined.—Living together or cohabitation of persons of the Caucasian and of the colored races shall be proof of the violation of the provisions of Section 1 of this act. For the purpose of this act, concubinage is hereby defined to be the unlawful cohabitation of persons of the Caucasian and of the colored races whether open or secret.

Section 1130. Charging grand jury concerning act.—It shall be the duty of the judges of the several district courts of this state to specially charge the grand juries upon this act.

Maryland, Code (Flack), 1939 Article 27

Section 445. All marriages between a white person and a negro, or between a white person and a person of negro descent, to the third generation, inclusive, or between a white person and a member of the Malay race or between a negro and a member of the Malay race, or between a person of negro descent, to the third generation, inclusive, and a member of the Malay race, are forever prohibited, and shall be void; and any person violating the provisions of this Section shall be deemed guilty of an infamous crime, and punished by imprisonment in the penitentiary not less than eighteen months nor more than ten years; provided, however, that the provisions of this Section shall not apply to marriages between white persons and members of the Malay race, or between negroes and members of the Malay race, or between persons of negro descent, to the third generation, inclusive, and members of the Malay race, existing prior to June 1, 1935.

Section 510. All railroad companies and corporations, and all persons running or operating cars or coaches by steam on any railroad line or track in the State of Maryland, for the transportation of passengers, are hereby re-

quired to provide separate cars or coaches for the travel and transportation of the white and colored passengers on their respective lines of railroad; and each compartment of a new car or coach, divided by a good and substantial partition, with a door or place of exit from each division, shall be deemed a separate car or coach within the meaning of this section, and each separate car, coach or compartment shall bear in some conspicuous place appropriate words, in plain letters, indicating whether it is set apart for white or colored passengers.

Section 511. The railroad companies and corporations and persons aforesaid shall make no difference or discrimination in quality of or convenience or accommodation in the cars, coaches or compartments set apart for white and colored passengers.

Section 512. Any railroad company or corporation or person that shall fail, refuse or neglect to comply with the provisions of Sections 510 and 511 shall be deemed guilty of a misdemeanor, and, upon indictment and conviction thereof, shall be fined not less than three hundred dollars nor more than one hundred dollars for each offense.

Section 513. The conductors and managers on all railroads shall have power and are hereby required to assign to each white or colored passenger his or her respective car, coach or compartment, and, should any passenger refuse to occupy the car, coach or compartment to which he or she may be assigned by the conductor or managers, shall have the right to refuse to carry such passenger on his train, and may put such passenger off his train, and for such refusal or putting off the train neither the conductor, manager nor railroad company or corporation, or person owning or operating the same shall be liable for damages in any court; and the passenger so refusing to occupy the car, coach or compartment to which he or she may be assigned by the conductor or manager shall be deemed guilty of a misdemeanor, and, on indictment and conviction thereof, shall be fined not less than five dollars nor more than fifty dollars, or be confined in jail not less than thirty days, or both, in the discretion of the court, for each offense.

Section 514. Any conductor or manager on any railroad who shall fail or refuse to perform the duties imposed upon him by Section 513 shall be deemed guilty of a misdemeanor, and, upon indictment and conviction thereof, shall be fined not less than twenty-five dollars and not more than fifty dollars for each offense.

Section 515. The following words contained in Section 510, to wit: "and each compartment of a car or coach divided by a good substantial partition, by a door or place of exit from each division shall be deemed a separate car or coach within the meaning of this section," shall not apply to the counties of Prince George's, Charles, St. Mary's, Calvert and Annie Arundel, so that in said counties there shall be separate cars or coaches for the travel and transportation of the white and colored passengers on the respective lines of railroad, and a car divided by a compartment shall not be deemed a separate car or coach within the meaning of this section, but a combination car, not over one-third of which is used for baggage or mail, for the purposes of this section shall be deemed a separate car, and each separate car or coach shall have in some conspicuous place, both outside and inside, appropriate words and plain letters indicating whether it is set apart for white or colored passengers; provided, this section shall not apply to trains making no scheduled intermediate service stops between their termini.

Section 516. The provisions of the six preceding sections shall not apply to employes of railroads, or to persons employed as nurses, or to officers in charge of prisoners, whether the said prisoners are white or colored, or both white and colored, or to the prisoners in their custody, nor shall the same apply to the transportation in any caboose car attached to a freight train, nor to parlor nor sleeping cars, nor through express trains that do no local business.

Section 517. It shall be the duty of any captain, purser or other officer in command of any steamboat carrying passengers and plying in the waters within the jurisdiction of the State of Maryland to assign white and colored passen-

gers on said boats to the respective locations they are to occupy as passengers while on said boat; and it shall be the duty of said captain, purser or other officer in command to separate, as far as the construction of his boat and due consideration for the comfort of the passengers will permit, the white and colored passengers on said boat in the sitting, sleeping and eating apartments; provided, however, that no discrimination shall be made in the quality and convenience of accommodation afforded passengers in said locations; and provided, that this section and the two succeeding sections shall not apply to nurses or attendants traveling with their employers, nor to officers in charge of prisoners, whether the said prisoners are white or colored, or both white and colored, or to prisoners in their custody.

Section 518. Any captain, purser or other officer in command of any steamboat as aforesaid who shall refuse to carry out the provisions of Section 517 shall be deemed guilty of a misdemeanor, and upon indictment in any court having jurisdiction, and conviction thereof, shall be fined not less than twenty-five dollars and not more than fifty dollars for each offense.

Section 519. Any passenger traveling on any steamboat plying in the waters within the jurisdiction of this State who shall wilfully refuse to occupy the location, whether of sitting, sleeping or eating, set apart or assigned by the captain, purser or other officer in command of such boat, shall be deemed guilty of a misdemeanor, and on indictment in any court having jurisdiction, and conviction thereof, shall be fined not less than five dollars nor more than fifty dollars, or be confined in jail not less than thirty days, in the discretion of the court, for each offense; and such passenger may be ejected from the said boat by the officers thereof at any wharf or landing place of said boat, and, if necessary, such assistance may be invoked by the person in charge of said boat as he may require to eject such passenger; and provided, that in case of such ejectment neither the captain nor other person in charge of such boat, nor the steamboat company or corporation or person owning or operating such boat shall not be liable in damages in any court.

Section 520. It shall be the duty of every person, firm or corporation owning and operating steamboats on the Chesapeake Bay, between the city of Baltimore and points on said bay or its tributaries, to provide separate toilet or retiring rooms, and separate sleeping cabins on their respective steamboats, on or before the first day of July, in the year nineteen hundred and eight, for white and colored passengers, under a penalty of a fine of fifty dollars for each and every day said steamboats may be operated upon the waters aforesaid in violation of this section, and the provisions of the four preceding sections shall apply in the assigning of passengers to the use of the toilet, or retiring rooms, and the sleeping quarters set apart for the respective white and colored passengers.

Mississippi, Code, 1942

Section 459. Unlawful marriages—between white person and negro or Mongolian prohibited.—The marriage of a white person and a negro or mulatto or person who shall have one-eighth or more of negro blood, or with a Mongolian or a person who shall have one-eighth or more of Mongolian blood, shall be unlawful, and such marriage shall be unlawful and void; and any party thereto, on conviction, shall be punished as for marriage within the degrees prohibited by the last two sections; and any attempt to evade this and the two preceding sections by marrying out of this state and returning to it shall be within them.

Section 7784. Equal but separate accommodations for the races.—Every railroad carrying passengers in this state shall provide equal but separate accommodations for the white and colored races by providing two or more passenger cars for each passenger train, or by dividing the passenger cars by a partition to secure separate accommodation; and the conductor of such passenger train shall have power, and is required, to assign each passenger to the car, or the compartment of a car, used for the race to which such passenger belongs; and should any passenger refuse to occupy the car to which he or she is assigned by the con-

ductor, the conductor shall have power to refuse to carry such passenger on the train, and for such refusal neither he nor the railroad company shall be liable for damages in any court.

Section 7785. Separate accommodations for races—applicable to street railways.—All persons or corporations operating street railways, carrying passengers in their cars in this state, and every common carrier by motor vehicle as defined by chapter 148 of the laws of 1938, carrying passengers in this state shall provide equal, but separate, accommodations for the white and colored races, by dividing such passenger bus or street cars by a partition to secure separate accommodations; and the operator of such passenger buses shall have power, and is required, to assign each passenger to the compartment of a bus used for the race to which such passenger belongs; and should any passenger refuse to occupy the compartment to which he or she is assigned by the operator, the operator shall have power to refuse to carry such passenger on the bus, and for such refusal neither he nor the bus company, nor street railway company, shall be liable for damages in any court. Provided, however, that such partition of compartments may be adjustable and movable.

Section 7786. Passengers required to occupy compartments to which they are assigned.—Officers of such street cars and motor vehicles as defined by chapter 148 of the laws of 1938 [Title 37, ch. 4] shall have power and are required to assign each passenger to the car or compartment used for the race to which such passenger belongs. Any passenger insisting upon going into a car or compartment to which by race he or she does not belong shall be liable to a fine of twenty-five dollars ($25.00), or in lieu thereof be imprisoned for a period of not more than thirty (30) days in the county jail; and any officer of any street railway, or motor vehicle, as herein defined, insisting on assigning a passenger to a car or compartment other than the one set aside for the race to which said passenger belongs shall be liable to a fine of twenty-five dollars ($25.00), or in lieu thereof, to imprisonment for a period of not more

than thirty (30) days in the county jail; and should any passenger refuse to occupy the car or compartment to which he or she is assigned by the officer of such street railway, or motor vehicle, said officer shall have power to refuse to carry such passenger on his car or cars, and for such refusal neither he nor the street railway company, or common carrier by motor vehicle, which he represents shall be liable for damages in any court.

Constitution

Section 263. The marriage of a white person with a negro or mulatto, or person who shall have one-eighth or more of negro blood, shall be unlawful and void.

Missouri, Revised Statutes, 1939

Section 4651. Illegal marriages.—No person having one-eighth part or more of negro blood shall be permitted to marry any white person, nor shall any white person be permitted to marry any negro or person having one-eighth part or more or negro blood; and every person who shall knowingly marry in violation of the provisions of this section shall, upon conviction, be punished by imprisonment in the penitentiary for two years, or by fine not less than one hundred dollars, or by imprisonment in the county jail not less than three months, or by both such fine and imprisonment; and the jury trying any such case may determine the proportion of negro blood in any party to such marriage from the appearance of such person. R. S. 1929, Section 4263.

North Carolina, Constitution

Section 8. Intermarriage of whites and negroes prohibited.—All marriages between a white person and a negro, or between a white person and a person of negro descent to the third generation, inclusive, are hereby forever prohibited. (Convention 1875.)

North Carolina, General Statutes, 1943

Section 14-181. Miscegenation.—All marriages between a white person and a negro, or between a white person and a person of negro descent to the third generation inclusive, are forever prohibited, and shall be void. Any person violating this section shall be guilty of an infamous crime, and shall be punished by imprisonment in the county jail or state's prison for not less than four months nor more than ten years, and may also be fined, in the discretion of the court.

Section 51-3. Want of capacity; void and voidable marriages.—All marriages between a white person and a negro or indian, or between a white person and person of negro or indian descent to the third generation, inclusive, or between a Cherokee indian of Robeson county and a negro, or between a Cherokee indian of Robeson county and a person of negro descent to the third generation, inclusive, or between any two persons nearer of kin than first cousins; or between a male person under sixteen years of age and any female, or between a female person under fourteen years of age and any male, or between persons either of whom has a husband or wife living at the time of such marriage, or between persons either of whom is at the time physically impotent, or is incapable of contracting from want of will or understanding, shall be void: Provided, double first cousins may not marry; and Provided further, that no marriage followed by cohabitation and the birth of issue shall be declared void after the death of either of the parties for any of the causes stated in this section, except for that one of the parties was a white person and the other a negro or indian, or of negro or indian descent to the third generation, inclusive, and for bigamy.

Section 60-94. Separate accommodations for different races.—All railroad and steamboat companies engaged as common carriers in the transportation of passengers for hire, other than street railways, shall provide separate but equal accommodations for the white and colored races at passenger stations or waiting-rooms, and also on all trains

and steamboats carrying passengers. Such accommodation may be furnished by railroad companies either by separate passenger cars or by compartments in passenger cars, which shall be provided by the railroads under the supervision and direction of the utilities commission: Provided, that this shall not apply to relief trains in cases of accident, to Pullman or sleeping cars, or through express trains that do not stop at all stations and are not used ordinarily for traveling from station to station, to negro servants in attendance on their employers, to officers or guards transporting prisoners, nor to prisoners so transported.

Section 60-95. Certain carriers may be exempted from requirement.—The utilities commission is hereby authorized to exempt from the provisions of Section 60-94 steamboats, branch lines and narrow-gauge railroads and mixed trains carrying both freight and passengers, if in its judgment the enforcement of the same be unnecessary to secure the comfort of passengers by reason of the light volume of passenger traffic, or the small number of colored passenger travelers on such steamboats, narrow-gauge railroads, branch lines or mixed trains.

Section 60-96. Use of same coach in emergencies.—When any coach or compartment car for either race shall be completely filled at a station where no extra coach or car can be had, and the increased number of passengers could not be foreseen, the conductor in charge of such train may assign and set apart a portion of a car or compartment assigned for passengers of one race to passengers of the other race.

Section 60-97. Penalty for failing to provide separate coaches.—Any railroad or steamboat company failing to comply in good faith with the provisions of Sections 60-94 to 60-96 shall be liable to a penalty of one hundred dollars per day, to be recovered in an action brought against such company by any passenger on any train or boat of any railroad or steamboat company which is required by this chapter to furnish separate accommodations to the races, who has been furnished accommodations on such railroad train

or steamboat only in a car or compartment with a person of a different race in violation of law.

Section 60-135. Separate accommodations for different races; failure to provide misdemeanor.—All street, interurban and suburban railway companies, engaged as common carriers in the transportation of passengers for hire in the state of North Carolina, shall provide and set apart so much of the front portion of each car operated by them as shall be necessary, for occupation by the white passengers therein; and shall likewise provide and set apart so much of the rear part of such car as shall be necessary, for occupation by the colored passengers therein, and shall require as far as practicable the white and colored passengers to occupy the respective parts of such car so set apart for each of them. The provisions of this section shall not apply to nurses or attendants of children or of the sick or infirm of a different race, while in attendance upon such children or such sick or infirm persons. Any officer, agent or other employee of any street railway company who shall willfully violate the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court.

Section 60-136. Pasengers to take certain seats; violation of requirement misdemeanor.—Any white person entering a street car or other passenger vehicle or motor bus for the purpose of becoming a passenger therein shall, in order to carry out the purposes of Section 60-135, occupy the first vacant seat or unoccupied space nearest the front thereof, and any colored person entering a street car or other passenger vehicle or motor bus for a like purpose shall occupy the first vacant seat or unoccupied space nearest the rear end thereof, provided, however, that no contiguous seat on the same bench shall be occupied by white and colored passengers at the same time, unless and until all the other seats in the car have been occupied. Upon request of the person in charge of the street car or other passenger vehicle or motor bus, and when necessary in order to carry out the purpose of providing separate seats for white and colored passengers, it shall be the duty of any

white person to move to any unoccupied seat toward or in the front of the car, vehicle or bus, and the duty of any colored person to move to any unoccupied seat toward or in the rear thereof, and the failure of any such person to so move shall constitute *prima facie* evidence of an intent to violate this section. Any person violating the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than fifty dollars or imprisoned not exceeding thirty days. Any such person may also be ejected from the car, vehicle or bus by the person charged with the operation thereof. Each person now or hereafter charged with the operation of any such street car, passenger vehicle or motor bus is hereby invested with police powers and authority to carry out the provisions of this section.

Section 60-137. No liability for mistake in assigning passengers to wrong seat.—No street, suburban or interurban railway company, its agents, servants or employees, shall be liable to any person on account of any mistake in the designation of any passenger to a seat or part of a car set apart for passengers of the other race.

Section 62-109. Regulatory powers of commission; separation of races.—The commission is hereby vested with power and authority to supervise and regulate every motor vehicle carrier under this article; to make or approve the rates, fares, charges, classifications, rules and regulations for service and safety of operation and the checking of baggage of each such motor vehicle carrier; to supervise the operation of union passenger stations in any manner necessary to promote harmony among the operators and efficiency of service to the traveling public; to fix and prescribe the speed limit, which may be less but shall not be greater than that prescribed by law; to regulate the accounts and to require the filing of annual and other reports and of other data by such motor vehicle carriers; to require the increase of equipment capacity to meet public convenience and necessity; and to supervise and regulate motor vehicle carriers in all other matters affecting the relationship between such carriers and the traveling and shipping public. The commission shall have power and authority,

by general order or otherwise, to prescribe rules and regulations applicable to any and all motor vehicle carriers, and the said commission is authorized, directed and empowered, whenever the public convenience and necessity may require, to increase, or decrease, or suspend temporarily the service upon any route for which a franchise certificate has been issued; and is hereby authorized, empowered, and directed to see that such rules and regulations and all, and singularly, the provisions of this article are enforced. The commission shall require any motor vehicle carrier operating on a franchise granted by the utilities commission and coming within the provisions of this article, if engaged in the transportation of both white and colored passengers for hire, to provide separate but equal accommodations for the white and colored races at passenger stations or waiting rooms where the carrier receives passengers of both races and/or on all busses or motor vehicles operating on a route or routes over which such carrier transports passengers of both races. Such accommodations may be furnished either by separate motor vehicles or by equal accommodations in motor vehicles: Provided that any requirement as to separate accommodation for the races shall not apply to specially chartered motored vehicles or to negro servants and attendants on their employers, or to officers or guards transporting prisoners; and provided that operators of motor vehicles or bus lines or taxicabs engaged in the transportation of passengers of one race only shall not be required to provide any accommodations for the other race, and provided that an operator shall not be required to furnish any accommodations to the other race over a line of route where he has undertaken and is engaged in the transportation of passengers of only one race, and provided, further, that nothing contained in this section shall be construed to declare operators of busses and/or taxicabs common carriers.

Section 115-2. Separation of races.—The children of the white race and the children of the colored race shall be taught in separate public schools, but there shall be no discrimination in favor of or to the prejudice of either race. All white children shall be taught in the public schools pro-

vided for the white race, and all colored children shall be taught in the public schools provided for the colored race; but no child with negro blood, or what is generally known as Croatan Indian blood, in his veins, shall attend a school for the white race, and no such child shall be considered a white child. The descendants of the Croatan Indians, now living in Robeson, Sampson, and Richmond counties, shall have separate schools for their children.

North Dakota, Revised Code, 1943

Section 14-0304. Marriage Between White Person and Negro Person Void; Penalty. No white person residing or being in this state shall intermarry with any negro person. Every such marriage shall be void. Each of the contracting parties, upon conviction, shall be punished by imprisonment in the penitentiary for a term of not more than ten years, or by a fine of not more than two thousand dollars, or by both such fine and imprisonment.

Section 14-0305. Definition of a Negro Person. Every person who shall have one-eighth or more of negro blood shall be deemed and held to be a colored person or negro.

Oklahoma, Constitution

Article XIII

Section 3. Separate schools for white and colored children.—Separate schools for white and colored children with like accommodation shall be provided by the Legislature and impartially maintained. The term "colored children," as used in this section, shall be construed to mean children of African descent. The term "white children" shall include all other children.

Article XXIII

Section 11. Colored race—Negro race—White race.—Wherever in this Constitution and laws of this State, the

word or words, "colored" or "colored race," "negro" or "negro race," are used, the same shall be construed to mean or apply to all persons of African descent. The term "white race" shall include all other persons.

Oklahoma, Statutes, Annotated

TITLE 13

Section 181. Separate coaches or compartments.—Every railway company, urban or suburban car company, street car or interurban car, railway company, lessee, manager or receiver thereof, doing business in this State, as a common carrier of passengers for hire shall provide separate coaches or compartments, as hereinafter provided, for the accommodation of the white and negro races, which separate coaches or cars shall be equal in all points of comfort and convenience. (R. L. 1910, Section 860.)

Section 182. Separate waiting rooms.—Every railroad company, street car company, urban, suburban, or interurban car company shall provide for and maintain separate waiting rooms at all their passenger depots for the accommodation of the white and negro races, which separate waiting rooms shall be equal in all points of comfort and convenience. Each waiting room shall bear in a conspicuous place words in plain letters indicating the race for which it is set apart. It shall be unlawful for any person to use, occupy or to remain in any waiting room, toilet room, or at any water tank in any passenger depot in this State, set apart to a race to which he does not belong. (R. L. 1910, Section 861.)

Section 183. Negro defined.—The term negro, as used herein, includes every person of African descent, as defined by the Constitution. (R. L. 1910, Section 862.)

Section 184. Separate coach and separate compartment defined.—Each compartment of a railway coach, divided by a good and substantial wooden partition, with a door

therein shall be deemed a separate coach within the meaning of this Article, and each separate coach shall bear in some conspicuous place appropriate words in plain letters indicating the race for which it is set apart; and each compartment of an urban or suburban car company, interurban car or railway company, or street car company, divided by a board or marker, placed in a conspicuous place, bearing appropriate words in plain letters, indicating the race for which it is set apart, shall be sufficient as a separate compartment within the meaning of this Article. (R. L. 1910, Section 863.)

Section 185. Penalty—Separate offenses.—Any railway company, street car company, urban or suburban car company, or interurban car or railway company, lessee, manager or receiver thereof, which shall fail to provide its cars bearing passengers, with separate coaches or compartments as above provided, or fail to provide and maintain separate waiting rooms as provided herein, shall be liable for each and every failure to a penalty of not less than one hundred nor more than one thousand dollars, to be recovered by suit in the name of the State, in any court of competent jurisdiction, and each trip run with such railway train, street car, urban, suburban or interuban car without such separate coach or compartment shall be deemed a separate offense. (R. L. 1910, Section 864.)

Section 186. Passengers violating statute—Penalty—Refusal to carry—Ejection.—If any passenger upon a railway train, street car, urban, suburban or interurban car provided with separate coaches or compartments as above provided shall ride in any coach or compartment not designated for his race, after having been forbidden to do so by the conductor in charge of the train or car, or shall remain in any waiting room not set apart for the race to which he belongs, he shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five nor more than twenty-five dollars.

Should any passenger refuse to occupy the coach or compartment or room to which he or she is assigned by the

officer of such railway company, said officer shall have the power to refuse to carry such passenger on his train, and should any passenger or any other person not a passenger, for the purpose of occupying or waiting in such sitting or waiting room not assigned to his or her race, enter said room, said agent shall have the power and it is made his duty to eject such person from such room, and for such neither they nor the railroad company which they represent shall be liable for damages, in any of the courts of this State. (R. L. 1910, Section 865.)

Section 187. Exceptions to application of act.—The provisions of this act shall not be so construed as to extend to officers having in custody any person or persons, or employees upon trains or cars in the discharge of their duties, nor shall it be construed to apply to such freight trains as carry passengers in cabooses, provided that nothing herein contained shall be construed to prevent railway companies in this state from hauling sleeping cars or dining cars or chair cars attached to their trains for use exclusively for either white or negro passengers separately but not jointly and, provided further, that the Corporation Commission shall have power and authority to exempt any station or depot from the requirements of this act, for such period of time as may be ordered in any city or town where no negroes reside.

Section 189. Extra or special trains.—Nothing in this Article shall be construed to prevent the running of extra or special trains or cars for the exclusive accommodation of either white or negro passengers, if the regular trains or cars are operated as required by this Act and upon regular schedule. (R. L. 1910, Section 868.)

TITLE 43

Section 12. Miscegenation prohibited.—The marriage of any person of African descent, as defined by the Constitution of this State, to any person not of African descent, or the marriage of any person not of African descent to any person of African descent, shall be unlawful and is hereby prohibited within this State. (R. L. 1910, Section 3894.)

Section 201. Carriers to provide separate compartments.—Every bus or transportation company, corporation, individual, lessee, manager or receiver thereof, doing business in this state as a common carrier of passengers for hire between fixed termini, shall provide separate compartments, as hereinafter provided, for the accommodation of the white and negro races, which separate compartments shall be equal in all points of comfort and convenience. (Laws 1931, p. 184 [S. B. No. 21], Section 1.)

Section 202. Separate waiting rooms at stations or depots.—Every bus or transportation company, corporation, individual, lessee, manager or receiver thereof, doing business in this state as a common carrier between fixed termini shall provide for and maintain separate waiting rooms at their stations or depots for the accommodation of white and negro races, which separate waiting rooms shall be equal in all points of comfort and convenience. Each waiting room shall bear in a conspicuous place words in plain letters indicating the race for which it is set apart. It shall be unlawful for any person to use, occupy, or to remain in any waiting room, toilet room, or in any depot or station in this state set apart to the race to which he does not belong. (Laws 1931, p. 184 [S. B. No. 21], Section 2.)

Section 203. Persons regarded as negroes.—The term "negro," as used herein includes every person of African descent, as defined by the Constitution. (Laws 1931, p. 185 [S. B. No. 21], Section 3.)

Section 204. Separate compartment, what constitutes. —Each compartment of a bus or motor vehicle divided by, or indicated by a board or marker placed in a conspicuous place bearing words in plain letters indicating the race for which it is set apart shall be deemed a separate compartment within the meaning of this Act. (Laws 1931, p. 185 [S. B. No. 21], Section 4.)

Section 205. Motor vehicle defined.—The term "motor vehicle" when used in this Act shall mean any automobile, motor bus or any other self propelled vehicle carrying passengers for hire between fixed termini not operated or driven upon fixed rails, or track. (Laws 1931, p. 185 [S. B. No. 21], Section 5.)

Section 206. Failure to comply with act—Punishment. —Any bus company, motor vehicle company, transportation company, lessee, manager or receiver thereof, who shall fail to provide its vehicles under the provisions of this Act, with separate coaches or compartments, as above provided, or fail to provide and maintain separate waiting rooms as provided herein, shall be liable for each and every failure to a penalty of not less than One Hundred ($100.00) Dollars, nor more than Five Hundred ($500.00) Dollars, to be recovered by suit in the name of the state in any court of competent jurisdiction, and each trip run with such vehicle or motor bus, as defined herein, without any separate compartment shall be deemed a separate and distinct offense. (Laws 1931, p. 185 [S. B. No. 21], Section 6.)

Section 207. Violations by passengers—Refusal to carry—Ejection from waiting room.—If any passenger upon motor bus or vehicle, as defined in this Act, provided with separate compartment as above provided, shall ride in any compartment not designated for his race after having been forbidden to do so by the driver or person in charge of said vehicle or bus, or shall remain in any waiting room not set apart for the race to which he belongs, he shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than Ten ($10.00) Dollars nor more than Twenty-five ($25.00) Dollars. Should any passenger refuse to occupy the compartment or room to which he is assigned by the officer or employee of such motor vehicle or bus company, said officer or employee

shall have the power and the authority to refuse to carry said passenger on his motor vehicle, and should any passenger or any other person not a passenger, for the purpose of occupying or waiting in such waiting room not assigned to his race, enter said room, said agent or employee shall have the power and it is made his duty to eject such person from such room, and for such neither they nor the motor vehicle or bus company which they represent shall be liable for damage in any of the courts of this state. (Laws 1931, p. 185 [S. B. No. 21], Section 7.)

Section 208. Persons excepted from application of this Act.—The provisions of this Act shall not be so construed as to extend to officers having in custody any person or persons, or employees, upon motor vehicles in the discharge of their duties. (Laws 1931, p. 186 [S. B. No. 21], Section 8.)

Section 209. Exclusion from compartment or removal from vehicle by driver.—Drivers or persons in charge of any motor bus or vehicle provided with separate compartments shall have the authority to refuse any passenger admittance to any compartment in which they are not entitled to ride under the provisions of this Act, and the person in charge of such motor vehicle or bus shall have authority, and it shall be his duty to remove from said motor vehicle any passenger not entitled to ride therein under the provisions of this Act and upon refusal to do so shall be guilty of a misdemeanor and upon conviction shall be fined in a sum of not less than Ten ($10.00) Dollars nor more than Two Hundred and Fifty ($250.00) Dollars, and the company, corporation, individual, manager, agent, employee or other officer, shall not be held for damages for any lawful removal of a passenger as herein provided. (Laws 1931, p. 186 [S. B. No. 21], Section 9.)

Section 210. Disposition of fines.—All fines collected under the provisions of this Act shall go to the Court fund of the county in which conviction is had. (Laws 1931, p. 186 [S. B. No. 21], Section 10.)

TITLE 70

Section 452. Definition of terms.—The term "colored," as used in the preceding section shall be construed to mean all persons of African descent who possess any quantum of negro blood, and the term "white" shall include all other persons. The term "public school," within the meaning of this article, shall include all schools provided for, or maintained, in whole or in part, at public expense. (Laws 1913, ch. 219, p. 571, art. 15, Section 2.)

Oregon, Compiled Laws, 1940

Section 23-1010. Miscegenation: Unlawfulness of intermarriage of races: Validity of purported marriage. Hereafter it shall not be lawful within this state for any white person, male or female, to intermarry with any negro, Chinese, or any person having one-fourth or more negro, Chinese, or Kanaka blood, or any person having more than one-half Indian blood; and all such marriages, or attempted marriages, shall be absolutely null and void.

South Carolina, Code, 1942

Section 8396. Separate coaches for white and colored—toilet compartments.—All railroad and steam ferries and railroad companies engaged in this State as common carriers of passengers for hire, shall furnish separate coaches or cabins for the accommodation of white and colored passengers: *provided*, equal accommodations shall be supplied to all persons without distinction of race, color or previous condition, in such coaches or cabins: *provided, further* that all first class coaches and cabins shall be provided with a

toilet compartment at each end of such coaches or cabins; on one of which compartments shall be placed the word "women" and on the other compartment shall be placed the word "men"; the toilet compartment for women shall be provided with a hopper seat, and, in addition, either with seats for at least two persons, or a lavatory, as the carrier may elect. The public service commission of this State shall, at a hearing upon due notice to all railroads, steam ferries and railroad companies engaged in this State as common carriers of passengers for hire, to which this section shall apply, determine when said carriers shall make the changes contemplated and provided for in this article.

Section 8399. Exceptions to sections 8396 to 8398.—The provisions of sections 8396 to 8398 shall not apply to nurses on trains, nor to narrow gauge roads, or branch lines, nor roads under forty miles in length, or to relief trains in case of accident, or to through vestibule trains not intended or used for local travel, nor to regular freight trains with a passenger coach attached for local travel, nor to officers or guards transporting prisoners, nor to prisoners or lunatics being so transported: *provided*, that all railroads operated by steam under forty miles in length shall furnish separate apartments for white and colored passengers: *provided, further*, that where said railroads under forty miles in length operate both a daily passenger train and a freight train, with or without a coach attached, said railroad shall be required to furnish separate apartments for white and colored passengers only on the said passenger trains: *provided*, also, that the provisions hereof shall not apply to electric railroads. *Provided, further*, that as to trains consisting of not more than one passenger car unit, operated principally for the accommodation of local travel, although operated both intrastate and interstate, and irrespective of the motive power used, the public service commission is hereby authorized to make such modifications, changes and exceptions in and to the requirements of sections 8396 to 8398, inclusive, as in its best judgment may be feasible and reasonable in the circumstances, and the regulations established by the commission pursuant to this

authority shall constitute exceptions to the provisions of sections 8396 to 8398, inclusive.

Section 8530-1. Passenger motor vehicle carriers separate white and colored passengers.—(1) Required—penalties.—All passenger motor vehicle carriers, operating in the State of South Carolina shall separate the white and colored passengers in their motor buses and set apart and designate in each bus or other vehicle, a portion thereof, or certain seats therein, to be occupied by white passengers, and a portion thereof, or certain seats therein, to be occupied by colored passengers, and such company or corporation, person or persons that shall fail, refuse or neglect to comply with the provisions of this sub-section shall be guilty of a misdemeanor, and upon indictment and conviction, shall be fined not less than fifty dollars nor more than two hundred and fifty dollars for each offense.

South Carolina, Constitution

Article III

Section 33. Marriages of whites and negroes,—sexual intercourse.—The marriage of a white person with a negro or mulatto, or person who shall have one-eighth or more of negro blood, shall be unlawful and void. No unmarried woman shall legally consent to sexual intercourse who shall not have attained the age of fourteen years.

Tennessee, Code (Michie), 1938

Section 5518. Separate coaches or apartments for white and colored races.—All railroads carrying passengers in the state (other than street railroads) shall provide equal but separate accommodations for the white and colored races, by providing two or more passenger cars for each passenger train, or by dividing the passenger cars by a partition, so as to secure separate accommodations; but any person may be permitted to take a nurse in the car or compartment set aside for such persons. This law shall

not apply to mixed and freight trains which only carry one passenger or combination passenger and baggage car, but, in such cases, the one passenger car so carried shall always be partitioned into apartments, one apartment for the whites and one for the colored.

Section 5519. Conductors must separate passengers.—The conductors of such passenger trains shall have power, and are required, to assign passengers to the car or compartments of the car when it is divided by a partition, used for the race to which such passengers belong, and, should any passenger refuse to occupy the car to which he is assigned by such conductor, said conductor shall have power to refuse to carry such passenger on his train; and, for such refusal, neither he nor the railroad company shall be liable for any damages in any court.

Section 5520. Failure of companies and conductors to comply; penalties.—All railroad companies that shall fail, refuse, or neglect to comply with the requirements of section 5518 shall be guilty of a misdemeanor, and be fined not less than one hundred nor more than five hundred dollars; and any conductor who shall fail, neglect, or refuse to carry out the provisions of this law shall be fined not less than twenty-five nor more than fifty dollars for each offense.

Section 5527 3079a1. Portions of car to be set apart and designated for each race.—All persons, companies, or corporations operating any street car line in the state are required, where white and colored passengers are carried or transported in the same car or cars, to set apart and designate in each car or coach, so operated, a portion thereof or certain seats therein to be occupied by white passengers, and a portion thereof or certain seats therein to be occupied by colored passengers; but nothing in this article shall be construed to apply to nurses attending children or other helpless persons of the other race. (1905, ch. 150, sec. 1.)

Section 5528 3079a2. Printed sign to indicate cars or parts of cars for each race.—Large printed or painted signs shall be kept in a conspicuous place in the car or cars, or the parts thereof set apart or designated for the different races,

on which shall be printed or painted, if set apart or designated for the white people, and it being a car so designated or set apart, "This car for white people." If a part of a car is so designated, then this sign, "This part of car for white people." If set apart or designated for the colored race, this sign to be displayed in a conspicuous place as follows, "This car for the colored race." If any part of a car is set apart or designated for said race, then this sign as follows, "This part of the car for the colored race."

Section 5529 3079a3. Conductor may increase or diminish space for either race, or require change of seats.—The conductor or other person in charge of any car or coach so operated upon any street car line shall have the right at any time, when in his judgment it may be necessary or proper for the comfort or convenience of passengers so to do, to change the said designation so as to increase or decrease the amount of space or seats set apart for either race, or he may require any passenger to change his seat when or so often as the change in the passengers may make such change necessary.

Section 5530 3079a4. Passengers to take seats assigned by conductor and designated for their race; refusal and remaining on car is a misdemeanor.—All passengers on any street car line shall be required to take the seats assigned to them, and any person refusing to do so shall leave the car or remaining upon the car shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not to exceed twenty-five dollars; provided, no conductor shall assign any person or passenger to a seat except those designated or set apart for the race to which said passenger belongs.

Section 5531 3079a5. Failure to set apart portions of car for each race is a misdemeanor.—Any person, company, or corporation failing to set apart or designate separate portion of the cars operated for the separate accommodation of the white and colored passengers, as provided by this article, shall be guilty of a misdemeanor and fined in any sum not to exceed twenty-five dollars.

Section 5532 3079a6. Special cars for exclusive accommodation of either race.—Nothing in this article shall be construed to prevent the running of extra or special cars for the exclusive accommodation of either white or colored passengers, if the regular cars are operated as required by this article.

Section 8409 4186 (2437, 2437a). Whites, negroes, etc., not to intermarry or cohabit.—The intermarriage of white person with negroes, mulattoes, or persons of mixed blood descended from a negro, to the third generation inclusive, or their living together as man and wife in this state, is prohibited. (1822, ch. 19, sec. 1; 1870, ch. 39, sec. 1; const., art. 11, sec. 14.)

Constitution

ARTICLE XI

Section 14. The intermarriage of white persons with negroes, mulattoes, or persons of mixed blood, descended from a negro to the third generation, inclusive, or their living together as man and wife, in this State, is prohibited. The Legislature shall enforce this section by appropriate legislation.

Texas, Revised Civil Statutes (Vernon), 1936

Art. 2900. [2897-8] Separate schools.—All available public school funds of this State shall be appropriated in each county for the education alike of white and colored children, and impartial provisions shall be made for both races. No white children shall attend schools supported for colored children, nor shall colored children attend schools supported for white children. The terms "colored race" and "colored children," as used in this title, include all persons of mixed blood descended from negro ancestry. [Acts 1905, p. 263.]

Art. 4607. [4613] [2959] [2843] Certain intermarriages prohibited.—It shall not be lawful for any person of Cau-

casian blood or their descendants to intermarry with Africans or the descendants of Africans. If any person shall violate any provision of this article, such marriage shall be null and void. [P. D., 4670; P. C., 346.]

Art. 6417. [6746 to 6753] Separate coaches.—1. Every railway company, street car company, and interurban railway company, lessee, manager, or receiver thereof, doing business in this State as a common carrier of passengers for hire, shall provide separate coaches or compartments, as hereinafter provided, for the accommodation of white and negro passengers, which separate coaches or compartments shall be equal in all points of comfort and convenience.

2. "Negro" defined.—The term "negro" as used herein, includes every person of African descent as defined by the statutes of this State.

3. "Separate coach" defined.—Each compartment of a railroad coach divided by good and substantial wooden partitions with a door therein shall be deemed a separate coach within the meaning of this law, and each separate coach shall bear in some conspicuous place appropriate words in plain letters indicating the race for which it is set apart; and each compartment of a street car or interurban car divided by a board or marker placed in a conspicuous place, bearing appropriate words in plain letters indicating the race for which it is set apart, shall be sufficient as a separate compartment within the meaning of this law.

4. Penalty.—Any railway company, street car company, or intrurban railroad company, lessee, manager or receiver thereof, which shall fail to provide its cars bearing passengers with separate coaches or compartments, as above provided for, shall be liable for each failure to a penalty of not less than one hundred nor more than one thousand dollars, to be recovered by suit in the name of the State; and each trip run with such train or street car or interurban car without such separate coach or compartment shall be deemed a separate offense.

5. Exceptions.—This article shall not apply to any excursion train or street car or interurban car as such for the benefit of either race, nor to such freight trains as carry passengers in cabooses, nor be so construed as to prevent railroad companies from hauling sleeping cars, dining or cafe cars or chair cars attached to their trains to be used exclusively by either race, separately but not jointly, or to prevent nurses from traveling in any coach or compartment with their employer, or employés upon the train or cars in the discharge of their duty.

6. Law to be posted.—Every railroad company carrying passengers in this State shall keep this law posted in a conspicuous place in each passenger depot and each passenger coach provided in this law.

7. Duty of conductor.—Conductors of passenger trains, street cars, or interurban lines provided with separate coaches shall have the authority to refuse any passenger admittance to any coach or compartment in which they are not entitled to ride under the provisions of this law, and the conductor in charge of the train or street car or interurban car shall have authority, and it shall be his duty, to remove from a coach or street car, or interurban car, any passenger not entitled to ride therein under the provisions of this law. [Acts 1891, p. 44; Acts 1907, p. 58; G. L. vol. 10, p. 46.]

Texas, Revised Penal Code (Vernon), 1936

Art. 493. [484] [347] [327] "Negro" and "white person."—The term "negro" includes also a person of mixed blood descended from negro ancestry from the third generation inclusive, though one ancestor of each generation may have been a white person. Any person not included in the foregoing definition is deemed a white person within the meaning of this law.

Art. 1659. [1523] [1010] Separate coaches.—1. Every railway company, street car company and interurban railway company, or any person or the agent of any person,

firm, or corporation who operates an interurban, commercial motor vehicle in carrying passengers for hire between any cities, towns, or villages of this State, lessee, manager, or receiver thereof doing business in this State as a common carrier of passengers for hire shall provide separate coaches or compartments for the accommodation of white and negro passengers.

2. "Negro" defined. The term negro as used herein includes every person of African descent as defined by the Statutes of this State.

3. (a) "Separate Coach" defined. Each compartment of a railroad coach divided by good and substantial wooden partitions with a door therein, shall be deemed a separate coach within the meaning of this law, and each separate coach shall bear in some conspicuous place appropriate words in plain letters indicating the race for which it is set apart.

(b) Separate compartments for street car, interurban car and commercial motor vehicle defined. Each street car, interurban car or commercial motor vehicle having a board or marker placed in a conspicuous place bearing appropriate words in plain letters indicating the race for which space is set apart, shall be sufficient as a separate compartment within the meaning of this law.

4. Violating separate coach law. If any passenger upon a train or street car, interurban car or commercial motor vehicle provided with separate coaches or compartments as above provided shall ride in any coach or compartment not designated for his race after having been forbidden to do so by the conductor in charge of the train, he shall be fined not less than Five Dollars ($5) nor more than Twenty-five Dollars ($25).

5. Duty of Conductor. Conductors of passenger trains, street cars, interurban lines, or commercial motor vehicle provided with separate coaches shall have the authority to refuse any passenger admittance to any coach or compartment in which they are not entitled to ride under the pro-

visions of this law, and the conductor in charge of the train or street car, interurban car or commercial motor vehicle shall have authority, and it shall be his duty, to remove from a coach or street car, or interurban car or commercial motor vehicle any passenger not entitled to ride therein under the provisions of this law, and upon his refusal to do so knowingly he shall be fined not less than Five Dollars ($5) nor more than Twenty-five Dollars ($25).

6. Fines to go to School Fund. All fines collected under the provisions of this law shall go to the available common school fund of the county in which conviction is had. Prosecutions under this law may be instituted in any county through or into which said railroad may be run or have an office. [As amended Acts 1935, 44th Leg., p. 387, ch. 147, Section 1.]

Art. 1660. Exceptions.—The preceding article shall not apply to any excursion train or street car or interurban car as such for the benefit of either race, nor to such freight trains as carry passengers in cabooses, nor be so construed as to prevent railroad companies from hauling sleeping cars, dining or cafe cars or chair cars attached to their trains to be used exclusively by either race, separately but not jointly, or to prevent nurses from traveling in any coach or compartment with their employer, or employés upon the train or cars in the discharge of their duty.

Art. 1661. Preference in transportation.—By the word "preference" as used in this article is meant any advantage, privilege, right, opportunity, precedence, choice, favor, priority, or gain that is or may be, or is sought or purposed to be accorded, granted, given, allowed, permitted or extended to any person, place, or thing, as against any other person, place, or thing in the receipt, carriage, transportation, movement, placing, storing, handling, caring for or delivery of any freight, commodity or article, or any railroad car or by any common carrier in this State, or any agent or employé thereof. Any person who shall ask, solicit, demand, or receive, directly or indirectly, from any person, corporate or otherwise, any money, reward, favor,

benefit, or other thing of value, or the promise of either, as a consideration for procuring or effecting, or with the intent of the person asking, soliciting, demanding, charging or receiving the same, or the promise thereof, that such person can or will, seek or undertake to procure or effect any preference in the receipt, carriage, transportation, storing, movement, placing, handling, caring for, or delivery of any freight, commodity or article, or any railroad car by any common carrier in this State or any agent or employé thereof, shall be fined not less than one hundred nor more than one thousand dollars and be imprisoned in jail not less than thirty days nor more than six months. [Acts 1921, p. 34.]

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Section 67. Colored persons and Indians defined.—Every person in whom there is ascertainable any negro blood shall be deemed and taken to be a colored person, and every person not a colored person having one-fourth or more of American Indian blood shall be deemed an American Indian; except that members of Indian tribes living on reservations allotted them by the Commonwealth of Virginia having one-fourth or more of Indian blood and less than one-sixteenth of negro blood shall be deemed tribal Indians so long as they are domiciled on said reservations. (Code 1887, Section 49; 1910, p. 581; 1930, p. 97.)

Section 3962. Separate cars for white and colored passengers.—All persons, natural or artificial, who are now, or may hereafter be, engaged in running or operating any railroad in this State by steam for the transportation of passengers are hereby required to furnish separate cars or coaches for the travel or transportation of the white and colored passengers on their respective lines of railroad. Each compartment of a coach divided by a good and substantial partition, with a door therein, shall be deemed a separate coach within the meaning of this section, and each separate coach or compartment shall bear in some conspicuous place appropriate words in plain letters, in-

dicating the race for which it is set apart. (Id., ch. 4, Section 28.)

Section 3963. Company to make no discrimination in quality of accommodations for white and colored passengers.—No difference or discrimination shall be made in the quality, convenience or accommodation in the cars or coaches or partitions set apart for white and colored passengers under the preceding section. (Id., ch. 4, Section 29.)

Section 3964. Liability for failure to comply with two preceding sections.—Any railroad company or companies, person or persons, that shall fail, refuse, or neglect to comply with the provisions of the two preceding sections shall be deemed guilty of a misdemeanor, and upon indictment and conviction thereof shall be fined not less than three hundred nor more than one thousand dollars for each offense. (Id., ch. 4, Section 30.)

Section 3965. Conductors to assign white and colored passengers to their respective compartments.—The conductors or managers on all such railroads shall have power, and are hereby required, to assign to each white or colored passenger his or her respective car, coach, or compartment. If the passenger fails to disclose his race, the conductor and managers, acting in good faith, shall be the sole judges of his race; and if any passenger refuse to occupy the car, coach, or compartment to which he or she may be assigned by the conductor or manager, said conductor or manager shall have the right to refuse to carry such passenger on his train, and may put him off his train. For such refusal and putting off of the train, neither the manager, conductor, nor railroad company shall be liable for damages in any court. (Id., ch. 4, Section 31.)

Section 3966. Penalty for failure to carry out provisions of preceding section.—Any conductor or manager on any such railroad who shall fail or refuse to carry out the provisions of the preceding section shall be deemed guilty of a misdemeanor, and upon indictment and conviction thereof, shall be fined not less than twenty-five nor

more than fifty dollars for each offense. (Id., ch. 4, Section 32.)

Section 3967. When portion of one compartment may be assigned to passengers of another race.—When any coach or compartment of a car for either race shall be completely filled, where no extra coaches or cars can be had, and the increased number of passengers could not be foreseen, the conductor in charge of such train is hereby authorized to assign and set apart a portion of the car or compartment assigned to passengers of one race to passengers of another race. (Id., ch. 4, Section 33.)

Section 3968. Application of preceding sections.—The provisions of sections thirty-nine hundred and sixty-three, thirty-nine hundred and sixty-four, thirty-nine hundred and sixty-five and thirty-nine hundred and sixty-six shall not apply to employees on railroads or to persons employed as nurses, or to officers in charge of prisoners, or lunatics, whether said prisoners or lunatics are white or colored, or both white and colored, or to prisoners in his custody, nor shall the same apply to the transportation of passengers in any caboose car attached to a freight train, nor to Pullman Cars, nor to through or express trains that do no local business.

Section 3978. Electric railway companies to separate white and colored passengers.—All urban, interurban, and suburban electric railway companies or other persons operating trains, cars or coaches by electricity for the carriage of passengers, shall separate the white and colored passengers in their cars and set apart and designate in each car or coach a portion thereof, or certain seats therein to be occupied by white passengers, and a portion thereof, or certain seats therein, to be occupied by colored passengers, and such company or corporation, person or persons that shall fail, refuse or neglect to comply with the provisions of this section shall be guilty of a misdemeanor, and upon indictment and conviction they shall be fined not less than fifty dollars nor more than two hundred and fifty dollars for each offense.

Section 3979. Discrimination as to quality of accommodation for races not permitted; heating cars.—The said companies, corporation or persons so operating trains, cars or coaches upon such lines of railroad or railway shall make no difference or discrimination in the quality and convenience of the accommodations provided for the two races, under the provisions of the preceding section. Said companies, corporations or persons so operating trains, coaches or cars upon such lines of railroad or railway shall in cold weather reasonably heat the several apartments of all cars carrying passengers therein. (1902-3-4, p. 968, ch. 4, Section 42; 1906, p. 92.)

Section 3980. May decrease or increase space for either race.—The conductor, manager or other person in charge of any car or coach so operated upon any such line of railroad or railway as is mentioned in section thirty-nine hundred and seventy-eight shall have the right, and he is hereby directed and required at any time when it may be necessary or proper for the comfort and convenience of passengers so to do, to change the designation so as to increase or decrease the amount of space or seats set apart for either race; but, no contiguous seats on the same bench shall be occupied by white and colored passengers at the same time (unless or until all of the other seats in said car shall be occupied); and said conductor or manager may require any passenger to change his or her seat as often as it may be necessary or proper; the said conductor or manager of any such railroad or railway who shall fail or refuse to carry out the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five dollars nor more than twenty-five dollars for each offense. (1902-3-4, ch. 4, Section 43; 1906, p. 92.)

Section 3981. Conductor and motorman conservators of the peace.—Each conductor and motorman in the employment of said company, and upon the cars of said company, shall be a special policeman, and have all the powers of conservators of the peace in the enforcement of the provisions of this chapter, and in the discharge of his duty as

special policeman in the enforcement of order upon said cars and said right of way; and such conductors and motormen shall likewise have the powers of conservators of the peace and of special policemen while in pursuit of persons for disorder upon said cars and right of way for violating the provisions of this chapter, and until such persons as may be arrested by such conductor or motorman shall have been placed in confinement, or delivered over to the custody of some other conservator of the peace or police officer; and, acting in good faith, he shall be, for the purposes of this chapter, the judge of the race of each passenger, whenever such passenger has failed to disclose his or her race. (1902-3-4, p. 968, ch. 4, Section 45; 1906, p. 92.)

Section 3982. Provisions not to apply to employees, nurses, etc.—The provisions of sections thirty-nine hundred and seventy-eight, thirty-nine hundred and eighty, and thirty-nine hundred and eighty-one shall not apply to employees engaged in conducting, managing or operating said trains, cars, or coaches, nor to persons employed as nurses, nor officers in charge of prisoners or lunatics. (1902-3-4, p. 968, ch. 4, Section 47; 1906, p. 92.)

Section 3983. Penalty for failure to obey conductor in respect to seats assigned.—All persons who fail, while on any coach or car used for the carriage of passengers for hire by any company or corporation, or person or persons, on any railway line, whether the motive power thereof be steam or electricity, or other motive power, or whether said coach or car be on a street railway or interurban railway or a steam railway, to take and occupy the seat or seats or other space assigned to them by the conductor, manager or other person in charge of such car or coach, or whose duty it is to take up tickets or collect fares from passengers therein, or who fail to obey the direction of any such conductor, manager or other person, as aforesaid, to change their seats from time to time, as occasions require, pursuant to any lawful rule, regulation or custom in force on such lines as to assigning separate seats or compartments, or other space, to white and colored passengers,

respectively, being first advised of the fact of such regulation and requested to conform thereto, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five nor more than twenty-five dollars for each offense. Furthermore, such persons may be ejected from said car, and from the right of way of said company by any conductor, motorman or manager of said company, or by any police officer or other conservator of the peace; and in case such persons ejected shall have paid their fares upon said car, they shall not be entitled to a return of any part of the same. (1910, p. 335.)

Section 4022. Separation of white and colored passengers; discrimination; application of section.—It shall be the duty of the captain, purser, or other officer in command of any steamboat carrying passengers and plying in the waters within the jurisdiction of the Commonwealth, to assign white and colored passengers on said boats to the respective location they are to occupy as passengers while on said boats, and to separate the white and colored passengers on said boats in the sitting, sleeping, and eating apartments: but, no discrimination shall be made in the quality and convenience of accomodation afforded passengers in said location. This section shall not apply to nurses or attendants traveling with their employers, nor to officers in charge of prisoners or lunatics. (1902-3-4, p. 968, ch. 6, Section 1.)

Section 4023. Penalty for not complying with provisions of preceding section.—Any captain, purser, or other officer in command of said boat who shall fail or refuse to carry out the provisions of the preceding section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars for each offense.

Section 4024. Passenger to occupy place assigned; penalty for disorderly conduct; duty of officer in charge.—Any passenger or passengers traveling on any steamboat plying in the waters within the juridiction of the Commonwealth, who shall wilfully refuse to occupy the location,

whether of sitting, sleeping, or eating, set apart or assigned by the captain, purser, or other officer in command of such boat, or behaves in a riotous or disorderly manner, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than five dollars nor more than fifty dollars, or confined in jail not less than thirty days, or both, in the discretion of the court; and such persons may be ejected from said boat by the officers thereof at any landing place of said boat; and, if necessary, such assistance may be invoked by such person in charge of such boats as they may require to eject such passenger.

Section 4025. Officer of wharf or landing; officers of vessels, etc., to be conservators of the peace.—The president or general manager of any steamship or steamboat company, whose boats ply in the waters within the jurisdiction of this State, may, with the approbation of the circuit court of any county, or the corporation court of any city, where the said steamship or steamboat company has a wharf or landing, appoint one or more police agents, who shall have authority upon the said wharf or landing, and at other places within this State belonging to such company, to exercise all the powers which can lawfully be exercised by any constable for the preservation of the peace, the arrest of offenders and disorderly persons, and for the enforcement of the laws against crime; and such president or general manager may remove any such agent at his pleasure: provided, that any circuit or corporation court giving such consent may at any time revoke it. Masters of steamships or steamboats, and wharf or landing agents, shall be conservators of the peace, and they, and each of them, shall have the same power to make arrests that justices have, except that the masters of steamships and steamboats shall only have such power on board their respective vessels, and the agents at their respective places of business; and the said masters and agents may cause any person so arrested by them to be detained and delivered to the proper authorities for trial as soon as practicable.

Section 4026. Owners of steamboat wharves to provide thereat suitable accommodations for the patrons of steam-

boats using the same.—The owner or owners of any steamboat wharf shall provide at their wharves suitable accommodations for the patrons of the steamboats using said wharves. The said accommodation shall consist of separate and noncommunicating rooms for the white and colored races, and said rooms shall be properly lighted and heated from one-half hour before the scheduled arrival of the boat and until such time after the departure thereof as will provide for the accommodation of passengers leaving said boat: but, the provisions of this section shall not apply to those wharves at which steamers arrive and depart between seven o'clock in the morning and seven o'clock in the evening, at which there are public houses open for the public, and at which the public are comfortably cared for while waiting for said boats. Any owner or owners of wharves aforesaid who fail to comply with any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five nor more than twenty dollars for each offense. This section, however, shall not apply to any wharf where no wharfage is charged.